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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/687,721 | 10/16/2003 | Charles Morris | 10238-022 | 4622 |
| 27383 | 7590 | 11/02/2006 | EXAMINER | |
| CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131 | | | | BACKER, FIRMIN |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3621 | |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/687,721 | MORRIS ET AL. |
| | Examiner FIRMN BACKER | Art Unit 3621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 October 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 6th, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-12, 13, 14, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al (U.S. Patent No. 6,522,772) in view of Mason (U.S. Patent No. 6,408,279).

5. As per claim 1, Morrison et al teach a self-checkout system comprising: a self-checkout station configured for customer-operated self-checkout of items for purchase, and a controller operatively coupled to the mobile terminal and to the self-checkout station, the controller being configured administer communication between checkout station and supervisor terminal to send data over a network to the selected supervisor terminal instructing the mobile terminal to initiate a biometric data capture operation, the biometric data capture operation being related to a self-checkout transaction (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*). Morrison et al fail to teach a plurality of supervisor terminal of which a least one is a mobile terminal comprising a wireless network and a biometric sensor configure to monitor and supervise self-checkout transactions. However, Mason teach a plurality of supervisor terminal of which a least one is a mobile terminal comprising a wireless network and a biometric sensor configure to monitor and supervise self-checkout transactions (*fig 1 column 4 lines 8-44*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Morrison et al to include Mason's plurality of supervisor terminal of which a least one is a mobile terminal comprising a wireless network and a biometric sensor configure to monitor and supervise self-checkout transactions because this would have enhance the flexibility of the system by allowing customer to purchase any item without the help of any cashier.

6. As per claim 2, Morrison et al teach a self-checkout station is one of a plurality of self-checkout stations and the mobile terminal is operatively coupled to the plurality of self-checkout

stations; the data sent to the mobile terminal to initiate the biometric data capture comprises data identifying at least one self-checkout station for which biometric data capture is to be performed (*see fig 1*).

7. As per claim 3, Morrison et al teach a system wherein the biometric sensor comprises a sensor selected from the group consisting of a fingerprint sensor, an iris recognition scanner, and a voice recognition device (*see column 7 line 10-57*).

8. As per claim 4, Morrison et al teach a system wherein the biometric data capture operation comprises receiving fingerprint attribute data at a fingerprint sensor (*see column 7 line 10-57*).

9. As per claim 5, Morrison et al teach a system wherein: the controller is a shared controller operatively coupled to each of the plurality of checkout stations; and the controller is configured to administer biometric data capture for multiple ones of the plurality of self-checkout stations (*see fig 1*).

10. As per claim 6, Morrison et al teach a system wherein the biometric data capture operation further comprises input of a date of birth (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*)

11. As per claim 7, Morrison et al teach a system wherein the controller is configured to query a database using the date of birth as a key to retrieve a plurality of candidate age verification records, each record associating the date of birth with biometric attribute data characterizing a customer fingerprint previously captured at a fingerprint sensor (*see column 7 line 10-57*).

12. As per claim 8, Morrison et al teach a system wherein: the controller is one of a plurality of controllers; each self-checkout station comprises a co-located one of the plurality of controllers; and each of the controllers is operatively coupled to the data terminal (*see fig 1*).

13. As per claim 9, Morrison et al teach a system wherein: the mobile data terminal is one of a plurality of supervisory terminals; a first one of the supervisory terminals is operatively coupled to the controller by a wireless data network; and a second one of the supervisory terminals is operatively coupled to the controller by a wired data network (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

14. As per claim 10, Morrison et al teach a system wherein the mobile data terminal is a battery operated mobile supervisory device (*see fig 1*).

15. As per claim 11, Morrison et al teach a system wherein: the mobile data terminal and the controller interoperate to perform a plurality of supervisory functions associated with customer

self-checkout at the checkout station; the supervisory functions comprise processing of a payment transaction (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

16. As per claim 12, Morrison et al teach a system wherein: the payment transaction comprises a payment type selected from the group consisting of a credit card payment, a debit card payment, and an electronic funds transfer payment; and processing the payment transaction further comprises receiving a signature input at the mobile data terminal (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

17. As per claim 13, Morrison et al teach a method for self-checkout of items that are sold on a restricted basis, the method comprising following scanning of an item by a self-checkout customer, retrieving from a database a record indicating whether the scanned item is a restricted item; when the item is a restricted item, verifying a characteristic of the customer, the verifying comprising: receiving a target data input at a biometric sensor, the target data characterizing a biometric feature of the customer; retrieving from a database a plurality of candidate records, each of the records comprising biometric attribute data associated with a different one of a plurality of customers; comparing the target data to the biometric attribute data in the plurality of records to identify a matching record; when a matching record is identified, based on the matched record, determining whether the item sold on a restricted basis can be sold to the customer, in response to the signal indicating a need for supervisory assistance, initiating an exception process whereby input is received from a store attendant to cause a new database record to be generated, the new database record enabling automated age verification of the

customer during subsequent purchase transactions (*fig 1, column 1 lines 25-57, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*). Morrison fail to teach a system for matching record received through a system controller using a selected supervisor terminal. However, Mason teaches a system for matching record received through a system controller using a selected supervisor terminal (*fig 1 column 4 lines 8-44*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Morrison et al to include Mason's plurality of supervisor terminal of which a least one is a mobile terminal comprising a system for matching record received through a system controller using a selected supervisor terminal because this would have enhance the flexibility of the system by allowing customer to purchase any item without the help of any cashier.

18. As per claim 14, Morrison et al teach a method wherein: the restricted basis comprises an age restriction; verifying further comprises receiving from the customer a date of birth; and retrieving the plurality of candidate records comprises querying based on the date of birth to retrieve the plurality of records (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

19. As per claim 17, Morrison et al teach a method of processing input at a supervisory terminal in a self-checkout system using a handheld supervisory device, the method comprising: at a self-checkout station, generating a supervisory request signal indicating that input of customer biometric data is required to further the processing of a self-checkout transaction by a

customer, transmitting the supervisory request signal to a handheld supervisory device, the handheld device comprising a biometric sensor; and at the handheld supervisory device, receiving the supervisory request signal, presenting a prompt alerting a user of the handheld device that input of customer biometric data is necessary; receiving customer biometric data at the biometric sensor; and transmitting the biometric data to the self-checkout station (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*). Morrison fail to teach a supervisor terminal which a least one is a mobile terminal. However, Mason teaches a supervisor terminal which a least one is a mobile terminal (*fig 1 column 4 lines 8-44*). Therefore, it would have been obvious to one of ordinary skill in the art a the time the invention was made to modify the inventive concept of Morrison et al to include Mason's supervisor terminal which a least one is a mobile terminal because this would have enhance the flexibility of the system by allowing customer to purchase any item without the help of any cashier.

20. As per claim 18, Morrison et al teach a method wherein the biometric sensor comprises a fingerprint sensor (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

21.

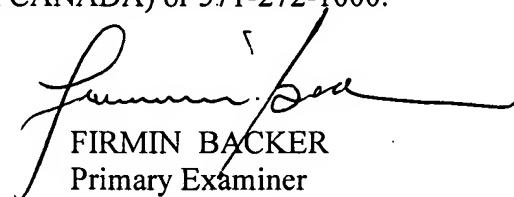
Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



FIRMIN BACKER
Primary Examiner
Art Unit 3621

October 27, 2006